

THE COMMON SCHOOL SYSTEM COMMISSION OF BIHAR AND IMPLEMENTATION OF THE RTE ACT

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The state of Bihar took a lead in starting the process of adopting a system of uniform education by constituting a panel for introducing the Common School System in 2006 with Muchkund Dubey as the Chairperson, Madan Mohan Jha as its Member Secretary and Anil Sadgopal as Member. The Commission submitted its report in 2007. Besides some path breaking recommendations based on the harsh ground realities, there remain some flaws in the Commission's report and recommendations, and in the education system of Bihar itself. The report of the Common School System Commission and some of its recommendations thenceforth need to be analysed and evaluated in the light of their conformity of the UNESCO's commitment to the inclusion of disadvantaged children in quality basic education.

Apologies for saying that it would be a hypocrisy to talk about equitable, qualitative, inclusive and non-discriminatory education system in a country where a student securing less than 40% marks in competitive examinations gets enrolment in prestigious institutions of Medical Sciences, Engineering and Technology, gets lucrative administrative jobs while a student securing 70-80% marks has little opportunity to get admitted or selected by the Union / State Service Commissions. We have institutions developed in the name of social justice, equal opportunities and making maximum out of the limited resources. Madan Mohan Jha contends that, "instead of serving the educational interest of the groups for which they have been established, they are harmful for these groups" (Jha, 2006). The education system in

India is based on a discriminative attitude and this is seeded in the younger minds right from the beginning. This is the foremost reason that the Common School System (tCSS) couldn't get that overwhelming support that should have been accorded to it by one and all. The Right to Education Act may be described as a great leap forward but it needs strong political will and public commitment for its proper nationwide implementation.

The issue of equality in education was an integral part of the issues addressed in the *Convention against Discrimination in Education* adopted by UNESCO in 1960. Likewise, the *Salamanca Statement* adopted following the World Conference on Special Needs Education in 1994 proclaimed that 'regular schools with inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all' (*Salamanca Statement, Art. 2, UNESCO, 1994*). The adoption of inclusive approach in education and provisions for equitable quality education along with affording respect to "the freedom of parents and guardians to have the religious and moral education of their children in conformity with their convictions" (UNICEF/UNESCO, 2007, 78) are "core obligations" for States under the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights and the Convention against Discrimination in Education. The Common School System was conceptualized to provide equitable quality education to every child irrespective of his caste, creed, community, language, gender, economic condition, social status and physical or mental ability.

Bihar would have been the first Indian state had it embarked upon the process of tCSS adopting the Commission's recommendations in toto. But the government didn't take any positive action except providing school uniforms and bicycles to the girl students besides controversial mid-day meals. Three years later, the Govt. of Bihar invoked the RTE (the Right of Children for Free and Compulsory Education) Act 2009 absolving the private sector from commercialization of education. In fact, the effective implementation of the RTE Act may be helpful in strengthening tCSS. But, incidentally, nothing has come out yet as most of the private schools are still hoodwinking the government. One of the foremost objections to the RTE Act invoked by the Govt. of Bihar is that it didn't exempt unaided minority schools from the ambit of the RTE Act

in accordance with the judgment of the Supreme Court of India in the case of Society for Unaided Private Schools of Rajasthan v. Union of India (2012) that held that RTE Act is not applicable to unaided minority schools. The Article 5 of the amended RTE Act clearly states that while implementing RTE the facilities should not be snatched from minority institutions that they get under Articles 29 and 30 of Constitution of India.

. The Article 30 of the Convention on the Rights of the Child, Committee on Economic, Social and Cultural Rights, General Comment No. 13, The right to education (Article 13), and Article 5(c) of Convention against Discrimination in Education clearly state that:

- Education in the general history of religion and ethics is permitted if it is given in an unbiased and objective way that is respectful of freedoms of opinion, conscience and expression. However, parents must be provided with the possibility of alternative education that accommodates their wishes.
- Indigenous children or those belonging to a minority shall not be denied the right to enjoy their own culture, to profess and practise their own religion, or to use their own language.
- Members of national minorities are entitled to develop their own educational activities, provided so doing does not serve to exclude them from the culture and language of the wider community, and that the standard of education is not lower than the general standard provided for others (UNICEF/UNESCO, 2007, 78).

Contrary to these resolutions and recommendations, tCSSC Report strongly recommends that *Madarsas* and *Sanskrit Vidyalayas* should join the Common School System, and once they join it, they will have to “accept the common syllabus for all students in the CSS. This would in particular imply giving up the teaching of *Diniyat* [theology] and *Vedas, Karmkand, Jyotish and Ayurveda*” (CSSC Report, 2007, 94). The Commission argues that the imparting of religious instruction by the government aided *Madarsas* and *Sanskrit Vidyalayas*, is not in conformity with Article 28 of the Constitution of India (2007, 94). The Commission is of the view that the “State’s funding of these institutions seems to be in violation of Article 28, but it is continuing mainly because of political, particularly electoral, considerations” (SSC Report, 2007, 94). It further argues that after

the incorporation in the Constitution of Article 21(A), “minority institutions cannot be given complete freedom to administer their educational institutions” (CSSC Report, 2007, 95). The Commission has dealt with the shortcomings of *Madarsas* and *Sanskrit Vidyalyayas* in detail. It is the duty of the State to ensure that these institutions “provide free and compulsory quality education to all the children in the age group 6-14 admitted by them” (2007, 95). Most of the *Madarsas* in Bihar do not charge any fee from the students. These *Madarsas* run on the basis of the community service. This is strange to note that instead of recommending ways to improve the standard of the aided *Madarsas*, the Commission is of the view of eliminating their identity as a minority institution. If at all these *Madarsas* have a compromised curriculum, inadequacy of trained teachers, inadequate facilities, as pointed out by the Commission, then it is also under the State’s obligation to upgrade their overall status, provided “so doing does not serve to exclude them from the culture and language of the wider community, and that the standard of education is not lower than the general standard provided for others” (UNICEF/UNESCO, 2007, 79). The teaching of religion is not confined only to the *Sanskrit Vidyalyayas* and *Madarsas*. It would not be inappropriate to mention that most of the missionary schools and the schools run by DAV group of schools, *Ekal Vidyalyayas* and Sarsawati Shishu Mandir impart purely religious teaching in the guise of Moral Studies. Moreover, the syllabus prescribed or being followed by them is not in conformation to either the National Education Policy of India or to the Central or State Examination Boards.

The Report wrongly considers tCSS a uniform type of education across the State, because this system, in fact, guarantees a common equal quality of education to every child. It recommends a “uniform pattern of schooling in the State, with primary from grade I to V, middle from grade I to VIII and secondary, including senior secondary, from grade IX to XII” (CSSC Report, 2007, 65). Providing equal quality of education does not mean that a student has no right to understand his own religion and culture. UNICEF and UNESCO call for recognizing the right to freedom of expression, religion, conscience, thought and assembly of every child (UNICEF/UNESCO, 2007, 35). Likewise, the right to quality education “promotes respect for the child’s, his or her parents’ and others’ cultural identity, language and values (UNICEF/UNESCO, 2007,

32). Therefore, the Commission's recommendations fall short of the position papers developed by UNESCO, UNICEF and the Indian Constitution as well. UNESCO also supports:

- mother tongue instruction as a means of improving educational quality by building on the knowledge and experience of the learners and teachers,
- bilingual and/or multilingual education as a means of promoting social and gender equality and a key element of linguistically diverse societies,
- language learning as an essential part of intercultural education to encourage understanding between different groups and respect for fundamental rights (UNESCO, 2003, 30).

The CSSC Report does not conform even to these points of concern. Though it recommends Urdu or any other regional language as the medium of instruction making it compulsory for the non-Hindi speaking students to study Hindi and English as compulsory subjects, it does not encourage teaching of Urdu, the second official language of the State, as a compulsory subject to all the Hindi speaking students. Most of the aforementioned schools in the State teach Sanskrit instead of Urdu or any other regional language to non-Hindi speaking students. Such a student is forced to study Sanskrit besides Urdu, or any other mother tongue, Hindi and English. This is obviously a violation of the right to respect in the learning environment.

Besides these shortfalls, the Bihar Right to Education and Common School System Bill prepared by the Commission has come forward with certain laudable recommendations whose impact in effective implementation of the RTE act cannot be ruled out. For example, its concerns about the schools run by the Welfare Department, *Kendriya* and *Navodaya Vidyalayas* run by the Central Government are quite convincing in the context of the provisions of the RTE Act. The Department of Welfare in Bihar runs and administers 73 residential schools exclusively meant for children belonging to Schedule Caste, Schedule Tribes and Backward Castes. The Commission rightly argues that the running of schools exclusively on caste or class basis is neither in keeping with the concept of school as a main centre of socialization for children nor is it conducive to making education inclusive (CSSC, 2007, 97). The Salamanca Conference had put an end to the need of schools established exclusively for a particular category of children way

back in 1994. The Commission also observed that segregating children in different schools based on their castes is not in the interest of nation-building (CSSC, 2007, 97). Likewise, the establishment of *Kendriya* and *Navodaya* Schools is also against the spirit of concept of the equitable education because “by following the selection method for admission, these schools practise discrimination and those discriminated against are the children of the deprived and economically backward classes” (CSSC, 2007, 98). The Commission’s emphasis on the selection of professionally trained teachers in accordance with the norms of the NCTE, inclusion of the Child’s Right to Free and Compulsory Pre-Elementary and Elementary Education of Equitable Quality and Provision of Education of Equitable Quality for Children at the Secondary and Senior Secondary levels. These recommendations will certainly be helpful in effectively implementing the RTE Act.

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